

ESSB 5313 - H AMD TO H AMD (5313-S.E AMH Sulp MACK 160) **957**

By Representative Sutherland

WITHDRAWN 04/28/2019

1 On page 13, after line 10 of the striking amendment, insert the
2 following:

3
4 "Sec. 5. RCW 28A.400.200 and 2018 c 266 s 205 are each amended to
5 read as follows:

6 (1) Every school district board of directors shall fix, alter,
7 allow, and order paid salaries and compensation for all district
8 employees in conformance with this section.

9 (2)(a) Through the 2017-18 school year, salaries for
10 certificated instructional staff shall not be less than the salary
11 provided in the appropriations act in the statewide salary
12 allocation schedule for an employee with a baccalaureate degree and
13 zero years of service;

14 (b) Salaries for certificated instructional staff with a
15 master's degree shall not be less than the salary provided in the
16 appropriations act in the statewide salary allocation schedule for
17 an employee with a master's degree and zero years of service; and

18 (c) Beginning with the 2018-19 school year:

19 (i) Salaries for full-time certificated instructional staff must
20 not be less than forty thousand dollars, to be adjusted for regional
21 differences in the cost of hiring staff as specified in RCW 28A.
22 150.410, and to be adjusted annually by the same inflationary
23 measure as provided in RCW 28A.400.205;

24 (ii) Salaries for full-time certificated instructional staff
25 with at least five years of experience must exceed by at least ten
26 percent the value specified in (c)(i) of this subsection;

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1 (iii) A district may not pay full-time certificated
2 instructional staff a salary that exceeds ninety thousand dollars,
3 subject to adjustment for regional differences in the cost of hiring
4 staff as specified in RCW 28A.150.410. This maximum salary is
5 adjusted annually by the inflationary measure in RCW 28A.400.205;

6 (iv) These minimum and maximum salaries apply to the services
7 provided as part of the state's statutory program of basic education
8 and exclude supplemental contracts for additional time,
9 responsibility, or incentive pursuant to this section or for
10 enrichment pursuant to RCW 28A.150.276;

11 (v) A district may pay a salary that exceeds this maximum salary
12 by up to ten percent for full-time certificated instructional staff:
13 Who are educational staff associates; who teach in the subjects of
14 science, technology, engineering, or math; or who teach in the
15 transitional bilingual instruction or special education programs.

16 (3)(a)(i) Through the 2017-18 school year the actual average
17 salary paid to certificated instructional staff shall not exceed the
18 district's average certificated instructional staff salary used for
19 the state basic education allocations for that school year as
20 determined pursuant to RCW 28A.150.410.

21 (ii) For the 2018-19 school year, salaries for certificated
22 instructional staff are subject to the limitations in RCW 41.59.800.

23 (iii) Beginning with the 2019-20 school year, for purposes of
24 subsection (4) of this section, RCW 28A.150.276, and 28A.505.100,
25 each school district must annually identify the actual salary paid
26 to each certificated instructional staff for services rendered as
27 part of the state's program of basic education.

28 (b) Through the 2018-19 school year, fringe benefit
29 contributions for certificated instructional staff shall be included
30 as salary under (a)(i) of this subsection only to the extent that
31 the district's actual average benefit contribution exceeds the
32 amount of the insurance benefits allocation, less the amount
33 remitted by districts to the health care authority for retiree
34 subsidies, provided per certificated instructional staff unit in the

1 state operating appropriations act in effect at the time the
2 compensation is payable. For purposes of this section, fringe
3 benefits shall not include payment for unused leave for illness or
4 injury under RCW 28A.400.210; employer contributions for old age
5 survivors insurance, workers' compensation, unemployment
6 compensation, and retirement benefits under the Washington state
7 retirement system; or employer contributions for health benefits in
8 excess of the insurance benefits allocation provided per
9 certificated instructional staff unit in the state operating
10 appropriations act in effect at the time the compensation is
11 payable. A school district may not use state funds to provide
12 employer contributions for such excess health benefits.

13 (c) Salary and benefits for certificated instructional staff in
14 programs other than basic education shall be consistent with the
15 salary and benefits paid to certificated instructional staff in the
16 basic education program.

17 (4)(a) Salaries and benefits for certificated instructional
18 staff may exceed the limitations in subsection (3) of this section
19 only by separate contract for additional time, for additional
20 responsibilities, or for incentives. Supplemental contracts shall
21 not cause the state to incur any present or future funding
22 obligation. Supplemental contracts must be accounted for by a school
23 district when the district is developing its four-year budget plan
24 under RCW 28A.505.040.

25 (b) Supplemental contracts shall be subject to the collective
26 bargaining provisions of chapter 41.59 RCW and the provisions of RCW
27 28A.405.240, shall not exceed one year, and if not renewed shall not
28 constitute adverse change in accordance with RCW 28A.405.300 through
29 28A.405.380. No district may enter into a supplemental contract
30 under this subsection for the provision of services which are a part
31 of the basic education program required by Article IX, section 1 of
32 the state Constitution and RCW 28A.150.220.

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1 (c)(i) Beginning September 1, 2019, supplemental contracts for
2 certificated instructional staff are subject to the following
3 additional restrictions:

4 (A) School districts may enter into supplemental contracts only
5 for enrichment activities as defined in and subject to the
6 limitations of RCW 28A.150.276;

7 (B) Until September 1, 2022, the average supplemental contract
8 provided by a district may be no higher than the average
9 supplemental contract from the previous year reduced by the annual
10 salary inflationary increase provided under RCW 28A.400.205;

11 (C) Beginning September 1, 2022, the average supplemental
12 contract given by a district must be for no more than three percent
13 of the average salary in the district provided as part of the
14 state's statutory program of basic education.

15 (ii) For a supplemental contract, or portion of a supplemental
16 contract, that is time-based, the hourly rate the district pays may
17 not exceed the hourly rate provided to that same instructional staff
18 for services under the basic education salary identified under
19 subsection (3)(a)(iii) of this section. For a supplemental contract,
20 or portion of a supplemental contract that is not time-based, the
21 contract must document the additional duties, responsibilities, or
22 incentives that are being funded in the contract.

23 (5) Employee benefit plans offered by any district shall comply
24 with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

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26 NEW SECTION. Sec. 6. A new section is added to chapter 41.59
27 RCW to read as follows:

28 A school district collective bargaining agreement that is
29 executed or modified after September 1, 2019, under this chapter may
30 not provide supplemental contracts in excess of the amounts
31 permitted under RCW 28A.400.200(4)(c).

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33 NEW SECTION. Sec. 7. Sections 1 and 2, chapter . . . , Laws of
34 2019 (sections 1 and 2 of this act) take effect only if sections 5

1 and 6, chapter . . . , Laws of 2019 (sections 5 and 6 of this act)
2 are enacted by August 1, 2019.

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4 Renumber the remaining sections consecutively and correct any
5 internal references accordingly.

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7 Correct the title.

EFFECT: Adds section related to supplemental contracts subject to enrichment levy limitations and state salary allocations and makes the following changes:

1) Provides that, until September 1, 2022, supplemental contracts for teacher salaries may be no higher than the average supplemental contract from the previous year and thereafter limits supplemental contracts to no more than 3 percent of the average basic education salary in the districts.

2) Provides that if the provisions of the bill related to supplemental contracts do not go in to effect the sections changing enrichment levy and local effort assistance formulas do not take effect.

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